SINGLE BENCH

(1)

(2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Writ Petition (C) No.3826/2007

PETITIONER:

P.R. No. 4722/07
Presented by Ghanshyam Verma
dated 30/6/07

Ghanshyam Verma, President
Jagruk Gyan Vigyan Evam Sewa Samiti
Aged about 36 years
S/o Shri Prahlad Verma
R/o Patharia, Tahsil- Mungeli
District-Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
   Through the Secretary
   Department of Revenue
   D.K.S. Bhawan, Mantralya,
   Raipur (C.G.)

2. Collector
   Bilaspur (C.G.)

RECEIVED COPY
Dtd 30/6/07
Clerk to A. G. Bilaspur

3. Gram Panchayat
   Pathariya,
   Tahsil- Mungeli
   District-Bilaspur (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
28/02/08
Bilaspur Chhattisgarh

4. Additional Tahsildar
   Pathariya, Tahsil-Mungeli
   District-Bilaspur (C.G.)

5. Sub Divisional Officer (Revenue)
   Mungeli, District-Bilaspur (C.G.)

6. SDM, Pathariya, Tahsil-Mungeli
   District-Bilaspur (C.G.)

(8) (2)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS

(61)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No.3826 of 2007

Petitioner	:	Ghanshyam Verma, President Jagruk Gyan Vigyan Evam Sewa Samiti Aged about 36 years S/o. Shri Prahlad Verma R/o Patharia, Tahsil - Mungeli District - Bilaspur (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh Through the Secretary Department of Revenue D.K.S. Bhawan, Mantralya, Raipur (C.G.)
	2.	Collector Bilaspur (C.G.)
	3.	Gram Panchayat Pathariya, Tahsil - Mungeli District - Bilaspur (C.G.)
	4.	Additional Tahsildar Pathariya, Tahsil - Mungeli District - Bilaspur (C.G.)
	5.	Sub Divisional Officer (Revenue) Mungeli, District - Bilaspur (C.G.)
	6.	SDM, Pathariya, Tahsil-Mungeli District- Bilaspur (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri Shailendra Shukla, Sr. Advocate with Shri Dilip Dubey, Advocate for the petitioner.
Shri Yashwant Singh Thakur, Govt. Advocate for the State.

ORDER
(Passed on 4th July, 2007)

The petitioner, President Jagruk Gyan Vigyan Evam Sewa Samiti has filed this petition seeking a writ of certiorari to quash the resolution dated 04.06.2007 and the communication dated 22.06.2007 (Annexure P-11), whereby the government has decided to open Tehsil Office in the Community Centre at village Pathariya, tehsil Mungeli.

(62)

2. Learned counsel appearing for the petitioner submits that the petitioner has opened a school and with the permission of Panchayat entered into Community Centre on 04.10.2003. The school has a strength of about 400 students. The petitioner further submits that the petitioner has made an application to the Collector which was referred to the Tahsildar for allotment of suitable land for the school building. It is admitted position that neither the permission was granted to enter into the community centre and start running the school nor the application is made for allotment of the land on which community centre is constructed.

3. It is a case where the petitioner, without having any legal right or authority, had encroached upon in the building of the community centre and started running the school. The Government has decided to open a tahsil office in the said building. The petitioner has no right of possession on the said building of the community centre. Thus, no relief can be granted to the petitioner as it is an illegal occupation of the community centre by the petitioner. The petition lacks material facts and the oral submissions made by the counsel are unsupported by documents. The petitioner has not established any legal right or any other statutory right and breach thereof to invoke extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4. There is no merit in the case. Thus, it is dismissed. However, the petitioner is at liberty to take recourse to alternative remedy that may be available to him, if so advised.

Sd/-
Satish K.Agnihotri
Judge

Indu